

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

Cinseree Johnson, :
Plaintiff, :
v. : Case No. 2:09-cv-0364
Athens County Board of : JUDGE HOLSCUH
Elections,
Defendant. :

ORDER

On May 14, 2009, the Magistrate Judge issued a Report and Recommendation in this case. It was the Magistrate Judge's conclusion that the Ms. Johnson's complaint should be dismissed as frivolous and for lack of subject matter jurisdiction. The basis for the Magistrate Judge's conclusion was Ms. Johnson's failure to allege any facts indicating a violation of her due process or any other civil rights. Ms. Johnson filed an objection to the Report and Recommendation on May 20, 2009.

When objections are received to a Magistrate Judge's report and recommendation on a dispositive matter, the District Judge "shall make a de novo determination of any portion of the magistrate judge's disposition to which specific written objection has been made...." Fed. R. Civ. P. 72(b). After review, the District Judge "may accept, reject, or modify the recommended decision, receive further evidence, or recommit the matter to the Magistrate Judge with instructions." Id.; see also 28 U.S.C. §636(b)(2)(B). For the following reasons, the objection will be overruled and this case will be dismissed.

In her objection, Ms. Johnson apparently disagrees with the Magistrate Judge's conclusion that she has failed to

allege any violation of her due process or other civil rights. She asserts that her due process rights have been violated under color of state law. However, Ms. Johnson has failed to provide any additional facts or argument that suggest a violation of any rights cognizable under federal law. Absent any such information, the Court finds Ms. Johnson's objection to be wholly without merit.

Ms. Johnson also requests time to amend the complaint to add various claims regarding due process and other constitutional violations. However, the Court does not believe she could cure the deficiencies in the claim she has asserted - having to do with the allegedly improper disclosure of her name as a potential candidate for public office in Athens County - by an amendment. She has also not tendered any proposed amendment for the Court to consider.

For the above reasons, the Court OVERRULES the objection filed by Ms. Johnson (#5) and ADOPTS the Report and Recommendation (#2). This action is DISMISSED pursuant to 28 U.S.C. §1915(e)(2). The Clerk is directed to mail a copy of the complaint, the Report and Recommendation, and this order to the defendants.

Date: May 27, 2009

/s/ John D. Holschuh
John D. Holschuh, Judge
United States District Court